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May 3, 2018

BY ECF

Hon. George B Daniels
United States Courthouse
Southern District of New York
500 Pearl St., Room 1310
New York, NY 10007

RE. Zayas v. 10th Avenue Kostas LLC, et al
S.D.N.Y. 17cv5933 (GBD)(KHP)

Dear Judge Daniels:

This office represents the plaintiff in the above referenced action. Plaintiff files the instant letter motion seeking a pre-motion discovery conference pursuant to Local Civil Rule 37.2. To no avail, I have repeatedly sought outstanding discovery and inspect Defendants' public accommodation. Left with no alternative, we respectfully request a pre-motion discovery telephone conference.

Since the commencement of this action, Defendants' counsel, Daniel Lynch, has refused to provide Defendants' Rule 26 disclosures. I have advised Mr. Lynch that the Rule 26 disclosures were needed to properly prepare Plaintiff's First Set of Interrogatories and Request for Documents. However, other than making promises that he would provide Defendants' Rule 26 disclosures, he has not. Therefore, I served Defendants with Plaintiff's First Set of Interrogatories and Requests of Documents, and reserved Plaintiff's right to serve further disclosures, if necessary

Additionally, on March 5, 2018, I served Defendants with a Request to Permit Entry on to Defendants' land pursuant to Rule 34. Initially, I proposed March 22, 2018. However, Mr. Lynch did not respond to the Request or several emails until April 30, 2018. On April 30, 2018, Mr. Lynch said he does not consent to the property inspection because Plaintiff was never a customer and never attempted to enter Defendants' public accommodation. In response, I advised Mr. Lynch that I understood Defendants' contention, but Defendants' subjective belief does not trump the Federal Rules, and asked that he reconsider. Ms. Lynch did not respond.

Accordingly, Plaintiff respectfully requests a pre-motion telephone conference.

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Thank you.

Respectfully Yours,

/s/ James E Bahamonde

James E. Bahamonde, Esq.

cc:
Daniel F. Lynch
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